

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

MICHAEL SHORT	§
	§
Plaintiff,	§
	§
VS.	§
	§
ARVIN WEST, Individually and In His	§
Capacity as Sheriff of Hudspeth County,	§
Texas, and HUDSPETH COUNTY,	§
TEXAS	§
	§
Defendants.	§
	§

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**DEFENDANT SHERIFF ARVIN WEST'S ADVISORY TO THE COURT**

**TO THE HONORABLE UNITED STATES DISTRICT JUDGE DAVID BRIONES:**

**NOW COMES SHERIFF ARVIN WEST** advises the Court pursuant to Docket No. 56 entered on October 15, 2010 that the Fifth Circuit Court of Appeals affirmed the trial court's denial of Defendant West's Motion for Summary Judgment on November 2, 2011. Defendants counsel respectfully apologizes to the Court for not notifying the Court within 72 hours of said decision. Defendant's Counsel's Office sustained smoke, soot and water damage during a devastating fire on October 1<sup>st</sup> located on the 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Floors directly beneath Defendant's Counsel's office on the 8<sup>th</sup> Floor. The the smoke from fire affected all 21 floors of the Riverview Towers however, Suite 840 sustained severe damage to furniture, computer and electronic equipment, as well as to the walls, floor and ceiling which required Defendant's counsel to temporary relocate across the hall with minimum furniture and equipment. Due to the reconstruction, it was not until November 23, 2011 when Defendant's counsel could move back in Suite 840.

Defendant's counsel has made a telephone call to Plaintiff's counsel to confer on the status of the case and scheduling of trial. Defendant will immediately file another advisory once the parties have conferred.

Respectfully submitted,

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BY: /s/ Charles S. Frigerio  
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**HUDSPETH COUNTY and SHERIFF ARVIN WEST**

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 2<sup>nd</sup> day of December, 2011, I electronically filed the foregoing Defendants SHERIFF WEST'S Advisory with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Ms. Lynn Coyle  
Dominguez & Coyle, P.L.L.C.  
2515 N. Stanton Street  
El Paso, Texas 79902

/s/ Charles S. Frigerio  
CHARLES S. FRIGERIO